

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

PINNACLE HOLDING COMPANY, LLC and  
PINNACLE EMPLOYEE SERVICES, LLC,

Plaintiffs,

v.

MICHAEL ALLEN and PINNACLE  
EMPLOYEE SERVICES, INC.,

Defendants.

Civil Action No. 5:24-cv-239  
(GTS/TWD)

**DECLARATION OF MICHAEL  
ALLEN**

I, Michael Allen, declare under penalty of perjury that the following is true and correct:

1. I am the Chief Executive Officer and President of Pinnacle Employee Services, Inc. (“PES, Inc.”), and as such, have authority to discuss PES, Inc.’s business. I submit this declaration upon personal knowledge and from review of the relevant business records of PES, Inc. If called as a witness, I could and would testify to the matters set forth herein.

2. I have never conducted any business activities in the State of New York.

3. I have never received any income or revenue from business activities in New York, from interstate or intentional commerce involving New York.

4. I have been a domiciliary and citizen of California since 1980, when I was two years old.

5. I have never resided in New York.

6. I have never and currently do not own or lease any real or personal property located in New York, in my individual or any other capacity.

7. I have never and currently do not have any bank or investment accounts of any type in New York in my individual or any other capacity.

8. I have never bought or sold and currently do not buy or sell any assets in New York in my individual or any other capacity.

9. I have never employed and currently do not employ anyone in New York, in my individual or any other capacity, other than the attorneys that temporarily represent me in connection with the instant proceeding.

10. I have never been and am currently not an owner or officer of any business that is registered in New York.

11. I have never been and am currently not a controlling shareholder of any corporation that is registered in New York.

12. I have never instituted any legal action in New York.

13. I have never, in my individual capacity or any other capacity, had any mailing address in New York.

14. PES, Inc. is a corporation formed under the laws of California.

15. PES, Inc. maintains its principal place of business in California.

16. PES, Inc. does not have an address in New York.

17. PES, Inc. does not maintain any bank accounts in New York.

18. PES, Inc. does not own any real or personal property in New York.

19. PES, Inc. does not have any agents in New York.

20. PES, Inc. does not have any employees in New York.

21. PES, Inc. does not buy or sell any assets in New York.

22. PES, Inc. is not the owner or officer of any business in New York.

23. PES, Inc. is not the controlling shareholder of any corporation registered in New York.

24. PES, Inc. has never instituted any legal action in New York.

25. PES, Inc. is one of the leaders in the employee benefits industry in Northern California, and provides payroll services and human resources support to many business owners. The customers of PES, Inc. are predominantly located in California and the West Coast.

26. PES, Inc. conducts some of its business via operation of the website located at the domain name <pinnaclehro.com>, which provides information regarding its payroll and human resources services and allows users to contact PES, Inc. in California.

27. None of the companies to whom PES, Inc. provides payroll and human resources services are located in New York.

28. Attached as **Exhibit 1** is the Order from the Eastern District of California granting PES, Inc. and myself leave to amend the complaint filed in the lawsuit between the parties at Index No. 2:22-cv-01367-KJM-CKD.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 11 day of July, 2024.

A handwritten signature in black ink, appearing to read "Michael Allen", is written over a horizontal line.

Michael Allen